IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

A. O. NO. 671 OF 2006

The Wadia Charitable Trust . . ... Appellants
VS.
Yoesh s/o. Savailal Shah and ors. ... Respondents

Mr. Ahmed Sayed with Anitha Poojari i/b. M/s. Dhru & Co., for appellants
Mr. A. Y.Sakhare, Sr. Counsel i/b. Shri V.R.Tripathi for respondent nos. 1 to 4.
Mr. B. Chowdhary for respondent nos. 5 and 6.

CORAM: D. G. KARNIK **J.**
DATE: 22nd September 2006

P.C.:

1. Heard learned counsel for the parties.
2. Learned counsel for the respondent raises a preliminary objection about the maintainability of the appeal. In view of the said objection learned counsel for the appellant seeks leave to withdraw the appeal with liberty to challenge the impugned order before the appropriate forum in appropriate proceedings. He only prays that parties be directed to maintain status quo for a short period to enable him to take appropriate steps. The request is reasonable. Leave granted. Appeal is disposed of as withdrawn with liberty to

challenge the impugned order before the appropriate forum in appropriate proceedings.

3. Parties however shall maintain status quo and shall not proceed with the measurement of the land for a period of one week.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Civil application No. 903 of 2006

in

A. O. NO. 671 OF 2006

The Wadia Charitable Trust . . ... Appellants
VS.
Yoesh s/o. Savailal Shah and ors. ... Respondents

Mr. Ahmed Sayed with Anitha Poojari i/b. M/s. Dhru & Co., for appellants
Mr. A. Y.Sakhare, Sr. Counsel i/b. Shri V.R.Tripathi for respondent nos. 1 to 4.
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In view of the dismissal of the appeal this civil application does not survive and is disposed of.

(D.G. KARNIK J.)